

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	Chapter 11
In re:	:	
	:	Case No.: 11-10272 (AJG)
EAST 167TH STREET REALTY CORP.,	:	
	:	
Debtor.	:	
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**AMENDED AND RESTATED AFFIDAVIT IN SUPPORT OF DEBTOR'S
APPLICATION FOR AUTHORIZATION TO RETAIN COUNSEL**

STATE OF NEW YORK)
 :ss.
COUNTY OF NEW YORK)

A. MITCHELL GREENE, being duly sworn, deposes and says:

1. I am a shareholder of **Robinson Brog Leinwand Greene Genovese & Gluck P.C.** ("Robinson Brog"). Robinson Brog maintains offices and a principal place of business at **Robinson Brog Leinwand Greene Genovese & Gluck P.C., 875 Third Avenue, 9th Floor, New York, NY 10022**. I have been duly admitted to practice in the United States District Court for the Southern District of New York.

2. This amended and restated affidavit is submitted in support of the *Debtor's Application for Authorization to Retain Counsel* (the "Application"). Pursuant to the Application, **East 167th Street Realty Corp.** (the "Debtor"), seeks to retain Robinson Brog to provide legal services in connection with this case as more fully set forth below. I am one of the attorneys at Robinson Brog who will bear primary responsibility for this case. It is anticipated that certain services will be performed by other partners and associates at Robinson Brog. Associates at the firm charge hourly rates between \$240.00 and \$375.00.

Additionally, the firm's paralegals charge approximately \$110.00 and \$185.00 per hour for services to be rendered. Shareholders of Robinson Brog charge hourly rates between \$400.00 and \$550.00 per hour for services to be rendered. Robinson Brog reserves the right to increase its hourly rates, if appropriate. I have read and I am familiar with the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules for the Southern District of New York.

3. The Debtor seeks authorization to retain Robinson Brog as its general and corporate counsel to represent it in this case and assist it in carrying out its duties as a debtor in possession under Chapter 11 of the Bankruptcy Code. In that connection, the professional services to be rendered by Robinson Brog in this case shall include, but shall not be limited to:

- (a) providing advice to the Debtor with respect to its powers and duties under the Bankruptcy Code in the continued operation of its business and the management of its property;
- (b) negotiating with creditors of the Debtor, preparing a plan of reorganization and taking the necessary legal steps to consummate a plan, including, if necessary, negotiations with respect to financing a plan;
- (c) appearing before the various taxing authorities to work out a plan to pay taxes owing in installments;
- (d) preparing on the Debtor's behalf necessary applications, motions, answers, replies, discovery requests, forms of orders, reports and other pleadings and legal documents;
- (e) appearing before this Court to protect the interests of the Debtor and its estate, and representing the Debtor in all matters pending before this Court; and
- (f) performing all other legal services for the Debtor that may be necessary herein.

4. I believe that Robinson Brog is in the best position to render such services to the Debtor due to its extensive knowledge and experience with all aspects of practice in cases under Title 11 of the United States Code (the "Bankruptcy Code"). Robinson Brog has successfully shepherded numerous debtors through Chapter 11 reorganizations before this and other courts, and I believe that Robinson Brog is well qualified to represent the Debtor in these cases. I believe Robinson Brog is competent to represent the interests of the Debtor herein in all proceedings now pending or which may reasonably be expected to be pending in this Court in the foreseeable future.

5. As set forth in the Affidavit in Support of Debtor's Application for Authorization to Retain Counsel, ECF document no. 6, Robinson Brog received a pre-petition regular \$5,000.00 Retainer and \$1,039 filing fee from a third party, Marc Chemtob. The retainer is not an evergreen retainer, and is refundable if not earned and our fees are not approved by this Court. There is no pre-petition balance due to Robinson Brog from the Debtor. Robinson Brog does not have a fee splitting arrangement with any party. I have explained to Mr. Chemtob that even though he paid the retainer, we represent the Debtor only, and not him, and that he is not entitled to nor will he receive any client confidences because he paid the retainer.

6. Except as set forth herein and in the Affidavit in Support of Debtor's Application for Authorization to Retain Counsel, ECF document no. 6, neither I nor any other shareholder or associate of Robinson Brog has represented or now represents any entity in connection with these cases.

7. To the best of my information and belief, neither I nor Robinson Brog holds nor represents any interest adverse to the Debtor in the matters upon which we are to be

engaged. I believe that Robinson Brog, its partners and associates, are “disinterested persons” as that term is defined in Section 101(14) of the Bankruptcy Code. To the best of my knowledge, information and belief, other than as described herein and in the Affidavit in Support of Debtor’s Application for Authorization to Retain Counsel, ECF document no. 6, Robinson Brog has no connection with the Debtor, its creditors, any other party in interest, its respective attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee, and will not, at any time, represent any other entity in connection with this case.

Sworn to before me this
1stth day of **March, 2011**

/S/Robert M. Sasloff

Notary Public, State of New York

No. 02SA4966401

Qualified in Kings County

Commission Expires 5-7-2014


/s/ A. Mitchell Greene
A. MITCHELL GREENE